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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

2:19-cv-00066-NDF

| | | |
|---------------------------------------|---|------------------------|
| In re: |) | |
| DENNIS MEYER DANZIK, |) | |
| |) | Case No. 17-20934 |
| |) | CHAPTER 11 |
| Debtor. |) | |
| |) | |
| |) | |
| Dennis Meyer Danzik, |) | |
| |) | |
| Appellant, |) | |
| |) | |
| v. |) | Adversary No. 18-02007 |
| |) | |
| CWT Canada II Limited Partnership and |) | |
| Resource Corporation, |) | |
| |) | |
| Appellees. |) | |

MOTION FOR AN ORDER EXTENDING THE DUE DATE OF THE
APPELLANT’S OPENING BRIEF FOR FORTY-FIVE DAYS

COMES NOW Appellant’s Counsel, Ken McCartney of The Law Offices of Ken McCartney P.C., and he requests an extension of the due date for Appellant’s Opening Brief in the above described proceeding for purely medical reasons. In support thereof be advised:

1. The completed record on appeal was transmitted to this court from the bankruptcy court on May 14th, 2019 making the due date of the Appellant's Opening Brief June 13th, 2019, Federal Bankruptcy Rule 8018(a)(1).
2. In late April of 2019, counsel for the Appellant was faced with a continuing decline in his lower back that rendered walking both painful and stressful.
3. Curative surgery had been discussed over the last ten years with Dr. William Biggs of the Orthopaedic and Spine Center of the Rockies.
4. While Dr. Biggs felt the surgery necessary, the decision is the patients alone to make, this patient had about all he could take of deteriorating comfort and elected at first to undergo surgery in mid-September after the summer's activities.
5. By the first of May, counsel could not walk to the doghouse from his home which rendered the decision to hurry up the process necessary for quality of life purposes.
6. Dr. Biggs first available date for surgery was May 22, 2019. An appointment was made, the procedure took place, and the surgery appears to have been successful. The event was a posterior lumbar fusion of disks four and five with an inserted device for stability as well as cleaning out the nerve tracks in disks 3 and 4. For Dr. Biggs, routine. For Appellant's counsel, a once in a lifetime ordeal.
7. Counsel on one hand is sore and getting better, but not very quickly. Opioid pain medications are the most effective but render counsel *Non Compos*

- Mentis*. The better nonprescription pain killers have a swelling reducing function which is inconsistent with post-operative bone growth desired to heal the surgical intrusion. Hence the only available pain relief comes from high doses of Tylenol.
8. Counsel is grateful for help from Tylenol but has never found it to be the most effective to provide relief from pain.
 9. Dr. Biggs suggests the time to feel as good as before the operation plateau is about two weeks after the proceeding and recommends expecting impairment for at least six weeks.
 10. Counsel returned to minimal office duties on May 28th but finds concentrating difficult (i.e. his balancing of the checkbook requires double checking) and does not believe it wise for him to be undertaking complex problems at this time.
 11. The brief in this matter is roughed out by category with the appropriate index but the sub parts need completion. Some but not all research has been accomplished with cases copied, but putting it together is a job counsel would prefer to accomplish without pain and limitations on concentration.
 12. Four weeks would be Dr. Biggs suggested appropriate condolences period.
Two weeks after that should allow counsel adequate time to stay ahead of the day to day drama in the office and finishing an opening brief.
 13. This appeal is not one that prejudices anyone by its existence and the effect of this delay should be minimal to the parties.

14. Counsel for the Appellee was appraised of the surgery but not consulted on this request, opposition is frankly expected, but Counsel sees no other viable choice as it would take counsel unfamiliar with case longer than this request represents to prepare for and participate in the briefing process.

Respectfully submitted this 30th day of May, 2019.

For the Appellant:

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Appellant's Motion for an Order Extending the Due Date of the Appellant's Opening Brief was served as indicated on May 30th, 2019, upon the below-named party:

Via Electronic Notice Only to:

Bradley T. Hunsicker
Bhunsicker@markuswilliams.com

/s/ Ken McCartney, #5-1335